UNITED STATES PATENT AND TRADEMARK OFFICE

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10/538,658	06/10/2005	Mitsuhiro Miyazaki	272841US6PCT	7324

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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 February 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14,16 and 17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14,16 and 17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/03/2008*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   The instant application having Application No. 10/538658 has a total of 16 claims pending in the application. There are 4 independent claims (e.g., claim 1,13,14 and 17) and 12 dependent claims, all of which are ready for examination by the examiner.

2.   Applicant's arguments with respect to claims 1-14, 16 and 17 have been considered but are moot in view of the new ground(s) of rejection.

Continued Examination Under 37 CFR 1.114

3.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/25/2008 has been entered.

Information Disclosure Statement

4.   As required by M.P.E.P. 609 (C), the applicant's submission of the information Disclosure Statement (English abstract only) dated 12/03/2007 is acknowledged by the examiner and the cited references have been considered in the examination of the claims now pending. As required by M.P.E.P. 609 C(2), a

copy of the PTOL-1449 initialed and dated by the examiner is attached to the

instant office action.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the art to which said subject
> matter pertains. Patentability shall not be negatived by the manner in which the invention was
> made.

6.   **Claims 1-3,13,14,16 and 17** are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Saito et al. (US Publication No.: US 2001/0018685)** in view

of **Hane et al. (US Publication No.: US 2002/0157096)** and in further view of

Yoon (US Publication No.: US 2003/0061239) and **Agrawal et al. (US Patent**

No.: US 6370526).

Regarding independent claims 1,13,14 and 17, Saito teaches an

information processing apparatus comprising:

grouping means for organizing delivered contents into groups each

constituted by the contents regarding a grouping item including at least one

attribute item representative of a content attribute ([0007], lines 6-15: extraction

means for extracting attribute information from an existing text file; selection

means for selecting an important word from among words contained in the

existing text file; acquisition means for acquiring the associated information

related to the important word selected by the selection means; database

construction means for constructing a database by use of at least one of the

attribute information extracted by the extraction means and the associated

information acquired by the acquisition means);

calculating means for calculating frequency of uses of the contents with

respect to each of the group IDs ([0007], lines 15-19: event occurrence detection

means for detecting the occurrence of the event; keyword detection means for

detecting a keyword from the text file corresponding to the event detected by the

event occurrence detection means);

generating means for generating user preference information indicating

references of a user based on the use frequency calculated by said calculating

means ([0007], lines 19-22: search means for searching the database

constructed by the database construction means for the associated information

corresponding to the keyword detected by the keyword detection means); and

recommending means for giving content recommendations based on said

user preference information generated by said generating means ([0007], lines

22-24: display control means for controlling displaying of the associated

information retrieved by the search means).

However, Saito does not specifically teach the contents are given the

same group ID for having degrees of similarity higher than a predetermined

value.

Hane teaches the contents are given the same group ID for having

degrees of similarity higher than a predetermined value ([0017]-[0021]).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the program-recommending system as taught

by Hane into the information processing of Saito in order to recommend

programs more flexibly and precisely to users which are unavailable to users.

Therefore, it would have been obvious to combine the program-recommending

system as taught by Hane with the information processing of Saito to obtain the

invention.

Saito and Hane do not specifically teach said generating means generating means

generating user preference information based on a normalized use frequency,

said normalized use frequency normalized based on use frequencies of all

contents delivered during a time period corresponding to a use history.

However, Yoon teaches said generating means generating user

preference information based on a normalized use frequency ([0019], lines 1-14),

said normalized use frequency normalized based on use frequencies of all

contents delivered during a time period corresponding to a use history ([0054],

lines 1-11).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate including a user preference information as

taught by Yoon into the information processing of Saito as modified by Hane in

order to include a segment locating information of the specific portion of the

multimedia content consumed in a given action type. Therefore, it would have

been obvious to combine including a user preference information as taught by

Yoon with the information processing of Saito as modified by Hane to obtain the

invention.

Saito, Hane and Yoon do not specifically teach said generating means

generating user preference information based on a normalized use frequency for

each group, said normalized use frequency normalized based on use

frequencies of all contents in each respective group.

Agrawal teaches said generating means generating user preference

information based on a normalized use frequency for each group (col.3, lines 58-

64: determining a user's preference with respect to a group of objects by entering

implicit user information by a user), said normalized use frequency normalized

based on use frequencies of all contents in each respective group (col.3, lines

47-67 and col.4, lines 1-5: The most reliable source of information for

determining object preference is the manner in which a user accesses a group of

objects, not the user's own opinion of the importance the objects within a

particular group. Thus, there exists a need in today's document management

systems for sorting functions that are capable of operating on implicit, rather than

explicit, object preference information resources. In particular, the order in which

a user processes a group of documents is utilized. By keeping track of this

order, an internal model can be constructed which represents the preferences of

a user for a particular group of objects (referred to as the preference model).

Over time, the system can adapt to the user's object preferences and will present

newly received objects in a ranking order that is determined by the adaptive

preference model).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate providing a user-preferred ranking order of

object groups as taught by Agrawal into the information processing of Saito as

modified by Hane and Yoon in order presenting a plurality of objects in a ranking

order reflecting a user's preferences with respect to group of object (col.2, lines

37-39). Therefore, it would have been obvious to providing a user-preferred

ranking order of object groups as taught by Agrawal with the information

processing of Saito as modified by Hane and Yoon to obtain the invention.

Regarding claim 2, Hane teaches wherein the grouping attribute

constituted by an attribute item indicating a broadcast time slot ([0025], lines 1-4:

The EPG (Electronic Program Guide) data equivalent to an electronic television

race card currently performed as data broadcasting by digital satellite multi-

channel broadcast as information which shows the content of the television

program in a text are used.) and;

Saito teaches the grouping attribute constituted by at least one other

attribute item is established for said information processing apparatus; and

wherein said grouping means organizes said delivered contents into groups by

the established grouping attribute ([0007], lines 10-15: acquisition means for

acquiring the associated information related to the important word selected by

the selection means; database construction means for constructing a database

by use of at least one of the attribute information extracted by the extraction

means and the associated information acquired by the acquisition means).

Regarding claim 3, Hane teaches wherein the grouping item constituted

by at least an attribute item indicating a broadcast time slot ([0025], lines 1-4:

The EPG (Electronic Program Guide) data equivalent to an electronic television

race card currently performed as data broadcasting by digital satellite multi-

channel broadcast as information which shows the content of the television

program in a text are used.) and;

Saito teaches the grouping item formed by other attribute items are

established for said information processing apparatus; and wherein said grouping

means organizes said delivered contents into groups by each of the established

grouping items ([0007], lines 10-15: acquisition means for acquiring the

associated information related to the important word selected by the selection

means; database construction means for constructing a database by use of at

least one of the attribute information extracted by the extraction means and the

associated information acquired by the acquisition means).

Regarding claim 16, Saito teaches wherein said recommending means

recommends content for which the normalized use frequency exceeds a

preference threshold ([0007], lines 6-9: extraction means for extracting attribute

information from an existing text file; selection means for selecting an important

word from among words contained in the existing text file).

7.   **Claims 4-12** are rejected under 35 U.S.C. 103(a) as being unpatentable

over **Saito et al. (US Publication No.: US 2001/0018685)** in view of **Hane et al.**

(US Publication No.: US 2002/0157096) and in further view of **Yoon (US**

Publication No.: US 2003/0061239), **Agrawal et al. (US Patent No.: US**

6370526). and **Platt (US Patent No.: US 6,987,221).**

Regarding claim 4, Saito teaches wherein said grouping means

determines degrees of similarity between constituent items making up said

grouping item based on results of the analysis. ([0007], lines 4-10: The user

profile which shows the program which a user likes by two or more themes given

to the numeric value by each is created. The theme dictionary in which the

keyword was given to each of two or more of said themes is used. The

classification according to theme which gives each of two or more themes a

numeric value is performed about each of two or more programs, and it is

characterized by determining the program recommended from said user profile

and the numeric value of two or more themes given to each of two or more

programs).

However, Saito, Hane, Yoon and Agrawal do not specifically teach

wherein said grouping means morphologically analyzes constituent items making

up said attribute item of said contents.

Platt teaches wherein said grouping means morphologically analyzes

constituent items making up said attribute item of said contents (col.4, lines 51-

54: The weights and metadata can be utilized by the media analyzer to generate

a preference function which generally indicates desired characteristics of which a

playlist should be generated for).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the auto playlist generation as taught by Platt

into the information processing of Saito as modified by Hane, Yoon and Agrawal

in order to generate desirable data and remove undesirable data (see abstract).

Therefore, it would have been obvious to combine the auto playlist generation as

taught by Platt with the information processing of Saito as modified by Hane,

Yoon and Agrawal to obtain the invention.

Regarding claim 5, Platt teaches wherein said generating means does

not utilize the use frequency of the group constituted by the contents failing to

meet a predetermined condition when generating said user preference

information (abstract: The playlist can be regenerated by adding desirable seed

items to the playlist and removing media items from the playlist (e.g., undesirable

seed items)).

Regarding claim 6, Platt teaches wherein said recommending means

comprises: determining means for determining whether or not said use frequency

calculated by said calculating means is higher than a predetermined set value;

and setting means for setting a staple flag indicating that the recommended

contents have been viewed frequently to said content recommendation

information if said use frequency is found higher than said predetermined set

value by said determining means (col.4, lines 57-67 and col.5, lines 1-5: The

playlist generator 104 receives the preference function from the media analyzer

102 and generates a playlist. The playlist generator 104 also receives metadata

for media items in the media collection from the media database 106 in order to

generate the playlist. The playlist generator 104 computes a preference for the

media items using the preference function and inserts media items having more

than a threshold amount of similarity into the playlist. After computing the

preferences and inserting the most preferred media items, the playlist is sorted

according to the estimated user preference such that most preferred media items

are located at the top or early in the playlist and least preferred media items are

located at the bottom or at the end of the playlist. Additionally, the desirable

seed item(s) are inherently preferable and are generally placed at the beginning

or top of the playlist).

Regarding claim 7, Platt teaches wherein said generating means

comprises extracting means for acquiring metadata about the contents

constituting the groups of which said use frequency calculated by said calculating

means is higher than a predetermined set value, said extracting means further

extracting vectors representing an amount of characteristics of said metadata;

and wherein said generating means generates said user preference information

based on said vectors extracted by said extracting means (col.4, lines 57-67 and

col.5, lines 1-5: The playlist generator 104 receives the preference function from

the media analyzer 102 and generates a playlist. The playlist generator 104 also

receives metadata for media items in the media collection from the media

database 106 in order to generate the playlist. The playlist generator 104

computes a preference for the media items using the preference function and

inserts media items having more than a threshold amount of similarity into the

playlist. After computing the preferences and inserting the most preferred media

items, the playlist is sorted according to the estimated user preference such that

most preferred media items are located at the top or early in the playlist and least

preferred media items are located at the bottom or at the end of the playlist.

Additionally, the desirable seed item(s) are inherently preferable and are

generally placed at the beginning or top of the playlist).

Regarding claim 8, Platt teaches wherein said generating means

comprises staple determining means for determining whether or not the contents

constituting the groups of which said use frequency is found higher than said

predetermined set value correspond to said content recommendation information

to which is set a staple flag indicating that the recommended contents have been

viewed frequently (col.4, lines 57-67 and col.5, lines 1-5: The playlist generator

104 receives the preference function from the media analyzer 102 and generates

a playlist. The playlist generator 104 also receives metadata for media items in

the media collection from the media database 106 in order to generate the

playlist. The playlist generator 104 computes a preference for the media items

using the preference function and inserts media items having more than a

threshold amount of similarity into the playlist. After computing the preferences

and inserting the most preferred media items, the playlist is sorted according to

the estimated user preference such that most preferred media items are located

at the top or early in the playlist and least preferred media items are located at

the bottom or at the end of the playlist. Additionally, the desirable seed item(s) are inherently preferable and are generally placed at the beginning or top of the playlist).; and

wherein, if said staple determining means determines that said contents do not correspond to said content recommendation information carrying the set staple flag, then said extracting means acquires the metadata about said contents and extracts vectors representing an amount of characteristics of said metadata (abstract: The playlist can be regenerated by adding desirable seed items to the playlist and removing media items from the playlist (e.g., undesirable seed items))..

Regarding claim 9, Saito teaches wherein said user preference information is constituted by a plurality of attributes and by values representing degrees of importance of said attributes ([0007], lines 6-15: extraction means for extracting attribute information from an existing text file; selection means for selecting an important word from among words contained in the existing text file; acquisition means for acquiring the associated information related to the important word selected by the selection means).

Regarding claim 10, Platt teaches wherein said generating means comprises familiarity setting means for setting degrees of familiarity with said contents based on the use frequency calculated by said calculating means; and wherein said generating means assigns weights to degrees of importance of said user preference information based on said degrees of familiarity (abstract: The

playlist can be regenerated by adding desirable seed items to the playlist and removing media items from the playlist (e.g., undesirable seed items)).

Regarding claim 11, Saito teaches wherein said generating means comprises: searching means for searching for contents of which said use frequency is lower than a predetermined value on the basis of a history of uses of said contents; and special preference information generating means for generating special preference information based on metadata about the contents retrieved by said searching means ([0007], lines 19-22: search means for searching the database constructed by the database construction means for the associated information corresponding to the keyword detected by the keyword detection means).

Regarding claim 12, Saito teaches first extracting means for extracting vectors representing an amount of characteristics of either said user preference information or said special preference information ([0007], lines 6-9: extraction means for extracting attribute information from an existing text file; selection means for selecting an important word from among words contained in the existing text file);

second extracting means for acquiring metadata about the contents broadcast in a predetermined set time slot, and extracting vectors representing an amount of characteristics of said meta ([0007], lines 9-15: acquisition means for acquiring the associated information related to the important word selected by the selection means; database construction means for constructing a database

by use of at least one of the attribute information extracted by the extraction

means and the associated information acquired by the acquisition means); and

calculating means for calculating degrees of similarity between the vectors

extracted by said first extracting means and those extracted by said second

extracting means; wherein said recommending means selects a predetermined

set number of the vectors extracted by said second extracting means, said

vectors being selected in descending order of said degrees of similarity ([0007],

lines 15-19: event occurrence detection means for detecting the occurrence of

the event; keyword detection means for detecting a keyword from the text file

corresponding to the event detected by the event occurrence detection means),

said

recommending means further giving content recommendations based on

the metadata about the selected vectors ([0007], lines 22-24: display control

means for controlling displaying of the associated information retrieved by the

search means).

Conclusion

8.   Claims rejected in the application

Per the instant office action, claims 1-14, 16 and 17 have received a first

action on the merits and are subject of a first action non-final.

9.   Any inquiry concerning this comm1unication should be directed to **Yong
Choe** at telephone number **571-270-1053** or email to **yong.choe@uspto.gov**.

The examiner can normally be reached on M-F 9:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Sanjiv Shah** can be reached on **571-272-4098**. Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 whose telephone number is (571) 272-2100.

10.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-irect.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YC
Yong J. Choe
Examiner / Art Unit 2185

/Gary J Portka/
Primary Examiner, Art Unit 2188